

## **REMARKS**

This response is submitted as a result of an Examiner interview held on August 17, 2005, between the Examiner Pierre E. Elisca and Applicant's Counsel, William J. Jacob. During the tele-conference interview a short summary of the disclosure offered by the present application was requested. Applicant sincerely thanks the Examiner for the time expended and consideration provided during the interview.

### **I. Short Summary of the Invention:**

In summary, the present invention presents a network system including a multi-modular computer program code that enables a user at a first location (i.e. a home computer station connected to the Internet) to negotiate the sale of an item (i.e. a used cellular phone) to a purchaser (i.e. a cellular phone warranty servicer), and to obtain a computer readable encrypted medium (i.e. a FedEx label having bar codes) within a period (i.e. 2 minutes) at the first location. Consummation of the sale by the user is therefore facilitated, in that the user need only place the label on the item to prepare the package for delivery. Further, the system periodically communicates with a third party delivery service (i.e. a FedEx database), so as to track delivery of the item to the purchaser. The tracked status of the item is available to the user at the first location, thereby increasing user-confidence that the item will not be stolen. User confidence is also supported by the fact that the purchaser does not control the independent third-party and therefore has no control over the tracking data. Finally, this sales negotiation-tracking medium generation within a period-and independent third-party tracking system is further performed autonomously by electronic and wireless means (except for the manual placement of the label upon the item), which further increases user confidence.

## II. Response to Final Office Action

With respect to the Final Office Action, reconsideration of the final rejection, pursuant to § 103(a), claims 1-35 as being unpatentable over United States Patent No. 6,141,653 to Conklin (hereinafter "Conklin '653") in view of United States Patent No. 6,711,549 to Loeb *et al.* (hereinafter "Loeb '549"), and a new reference, United States Patent No. 5,931,916 to Barker *et al.* ("Barker 916") is respectfully requested. With respect to Conklin 653 and Loeb 549, Applicant resubmits the differences and arguments provided in its Response and Amendment submitted on or about March 10, 2005.

In short, Barker 916 also does not support rejection under § 103(a). Barker discloses a method of communicating across the Internet or multi-network system. It presents a novel RDP driver module (50) that alters conventional UDP to detect an absent internet address during transmission. Where a destination node is absent, the RDP autonomously selects another node from a pre-determined list of addresses. The system is complete autonomous and discloses an electronic communication protocol modifier. A maximum period of generation of the idle node address notification is not discussed because it is produced almost instantaneously. Thus, the RDP includes a return receipt protocol conventionally available with many internet mailing applications. The present invention provides an encoded label within a period (such as two minutes) and is "affixable to the item."

Thus, Applicant respectfully submits that Conklin '653, Loeb '549, and Barker 916 do not teach the present invention either in singular or in combination. In furtherance of patentability, the amended claims have been further amended herein, to further distinguish the present invention from the prior art references of record. Claim 1 now further recites "a database," and first and second computer stations. The computer program recited in claim 1,

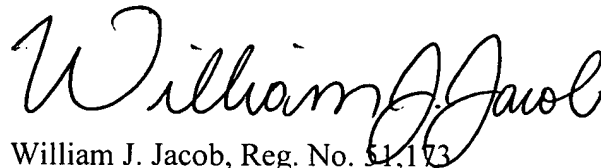
further includes the receiver module that provides delivery notification to the user at the first station. Thus, Claim 1 now presents a complete system claim.

Should the Examiner have any questions, please contact the undersigned at (816) 204-6430 or [wjj@jacobluc.com](mailto:wjj@jacobluc.com).

Respectfully submitted,

SHIPLEY LAWSON & JACOB, LLC

By:

A handwritten signature in black ink, appearing to read "William J. Jacob". The signature is written in a cursive, flowing style.

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